

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON vs. FRED MEYER STORES INCORPORATED
BEFORE THE HONORABLE RALPH R. BEISTLINE CASE NO. 1:04-CV-00008-RRB
DEPUTY CLERK/RECORDER: SAMANTHA LARK
APPEARANCES: PLAINTIFF: MARK C. CHOATE
DEFENDANT: JAMES R. DICKENS
PETER E. GRUENSTEIN

PROCEEDINGS: TRIAL BY JURY DAY - 5/VERDICT HELD AUGUST 15, 2008:
- - - - -
At 8:25 a.m. court convened without jury panel present.

Court and counsel heard re witnesses and voir dire re plaintiff's rebuttal witness.

At 8:28 a.m. jury panel entered courtroom.

Fred Sayre sworn and testified on behalf of the defendant.
Plaintiff's exhibit 8 **ADMITTED**.

At 9:22 a.m. court recessed until 9:39 a.m. without jury panel present.

Court and counsel heard re parties prepared to proceed.

At 9:40 a.m. jury panel entered the courtroom.

Fred Sayre resumed the stand and testified further on behalf of the defendant. Plaintiff's exhibit 5 **IDENTIFIED**.

At 10:10 a.m. jury panel exited the courtroom.

Court and counsel heard re rebuttal witness, Mr. San Miguel's testimony and witness testimony play back.

At 10:23 a.m. court recessed until 10:27 a.m. with jury panel present.

Claudia Dell'Andrea sworn on behalf of plaintiff on rebuttal.

Defendant rested.

CONTINUED TO PAGE 2

DATE: August 15, 2008 DEPUTY CLERK'S INITIALS: sal

CONTINUATION - PAGE 2
MYRNA I. JOHNSON vs FRED MEYER STORES INCORPORATED
1:04-CV-00008-RRB
TRIAL BY JURY - DAY 5
AUGUST 15, 2008

At 10:32 a.m. jury panel exited the courtroom.

Court and counsel heard re proposed jury instructions.

Court and counsel heard re defendant's Oral Motion to Dismiss Case; **DENIED.**

Court and counsel heard re defendant's Oral Motion to Dismiss all Claims Except Claim for Constructive Discharge; **DENIED**

Court and counsel heard re verdict form and appeal issues.

Court and counsel heard re defendant's Oral Motion to Dismiss Constructive Discharge Claim; **DENIED.**

Court and counsel heard re Proposed Jury Instructions.

At 10:46 a.m. court recessed until 11:07 a.m. without jury panel present.

Court and counsel heard re Verdict Form.

At 11:17 a.m. court recessed until 11:26 a.m. without jury panel present.

Court and counsel heard re Verdict Form and Closing Arguments.

At 11:28 a.m. jury panel entered the courtroom.

Closing arguments heard.

At 12:20 p.m. jury panel exited the courtroom.

Court and counsel heard re Jury Instructions.

At 12:21 p.m. court recessed until 12:33 p.m. with jury panel present.

Closing arguments heard.

Court reads jury instructions.

CONTINUED TO PAGE 3

DATE: August 15, 2008 DEPUTY CLERK'S INITIALS: sal

CONTINUATION - PAGE 3
MYRNA I. JOHNSON vs FRED MEYER STORES INCORPORATED
1:04-CV-00008-RRB
TRIAL BY JURY - DAY 5
AUGUST 15, 2008

At 1:36 p.m the jury panel exited the courtroom to begin deliberations.

All admitted exhibits, blank jury notes, original verdict form and original jury instructions forwarded to the jury panel via the bailiff.

At 1:37 p.m. court recessed until 1:39 p.m. without jury panel present.

Court and counsel heard re plaintiff's exhibit 2.

At 1:43 p.m. court recessed until 3:18 p.m. without jury panel present.

Court and counsel heard re jury note.

At 3:21 p.m. court recessed until 8:08 p.m. with jury panel present.

Verdict published. Jury found in favor of the plaintiff.

Jury polled; all answered in the affirmative.

At 8:11 p.m. court thanked and excused the jury panel.

Original Verdict form and Jury Instructions **FILED**.

List of Exhibits and List of Witnesses to be filed separately.

At 8:12 p.m. court adjourned.

DATE: August 15, 2008 DEPUTY CLERK'S INITIALS: sal